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House of Representatives *file in H Res 591*

The House met at 12 o'clock noon.

Chaplain A. Purnell Bailey, associate general secretary, division of chaplains, United Methodist Church, Washington, D.C., offered the following prayer:

As the hart panteth after the water brooks, so panteth my soul after Thee, O God!—Psalms 42: 1.

Almighty God, our Heavenly Father, help us to be still and know that You are God. From Thy hand we have been given this day, and from Thy mercy new life and freedom.

Comfort those who have experienced sorrow, grant Thy healing to our many hurts, and open our eyes to Your love and beauty.

Guide our leaders in the paths of righteousness for Thy name's sake and grant them renewed vigor to defend the rights of our people that peace may permeate our society.

Deliver our people from the bondage of poor vision, the lack of unity, and the neglect of vital causes.

Enter our willing hearts today and forgive our sins. Teach us to forgive and live. Grant us strength for the tasks at hand, and keep us in Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 508. An act to amend title 5, United States Code, to authorize civilians employed by the Department of Defense to administer oaths while conducting official investigations.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 700. An act to amend the Agricultural Adjustment Act of 1938, as amended;

S. 2071. An act to authorize appropriations for the repair of highways in the State of Alaska, and for other purposes; and

S. 2115. An act to amend chapter 39 of title 10, United States Code, to enable the President to authorize the involuntary order to active duty of Selected Reservists, for a limited period, whether or not a declaration of war or national emergency has been declared.

REV. A. PURNELL BAILEY

(Mr. FISHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISHER. Mr. Speaker, I am very pleased to note that today's invocation was delivered by the Reverend A. Purnell Bailey, who is associate general secretary of the Board of Higher Education and Ministry of the United Methodist Church and also one of my constituents from McLean, Va. I wish to thank Mr. Bailey for the inspiring prayer he has offered on our behalf.

Mr. Bailey is an ordained minister in the Virginia Conference of the United Methodist Church. He is a graduate of Randolph-Macon College—B.A., D.D.; Duke Divinity School—B.D.; and Union Theological Seminary—Th. M. He served as an Army chaplain in World War II before becoming pastor of Virginia churches, including Centenary and Rev-eille in Richmond. He was superintendent of the Richmond district for 6 years; member of general conferences and southeastern jurisdictional conferences; and chairman of the Veterans' Administration Chaplain Service Advisory Council.

Some may recognize him as the Protestant Radio Hour speaker in 1962 and 1971 and author of a column for the Los Angeles Times Syndicate, "Bread of Life."

Dr. Bailey is married to the former Ruth Martin Hill and they have four daughters, Carol, Anne, Beth, and Jeanne. I welcome into this Chamber the Reverend Bailey and his family and friends.

REQUEST FOR PERMISSION FOR SELECT COMMITTEE ON INTELLIGENCE TO HAVE UNTIL MIDNIGHT, FRIDAY, JANUARY 30, 1976, TO FILE A REPORT, AND TO HAVE UNTIL MIDNIGHT, WEDNESDAY, FEBRUARY 11, 1976, TO FILE RECOMMENDATIONS

Mr. PIKE. Mr. Speaker, I ask unanimous consent that the Select Committee on Intelligence have until midnight, Friday, January 30, 1976, to file its report and to have until midnight, Wednesday, February 11, 1976, to file its recommendations.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I know that yesterday the gentleman from New York (Mr. PIKE) was unfortunately detained because of the weather and was not able to be here during the more than 1½ hours of debate that took place on the floor of the House regarding the report which he now seeks permission to file. But during that time, Mr. Speaker, substantial question was raised as to why this report has been leaked or given to the press and to various other persons. A question was raised as to whether or not the gentleman's committee is making any investigation to determine which committee member or staff member, may have leaked the report, if indeed anyone did.

Of course, I might add for the gentleman's benefit—and I am sure he has probably read the RECORD—that it was also the sense of the discussion that certain parts of this report should not be included or released to the public since they may damage national security.

My question to the gentleman, since he is asking for permission to file this report, is this: Is the gentleman's committee making any effort to find out who violated the rules of the House, at least as this gentleman from Maryland reads them? And I would ask whether or not in granting this permission to file we are also acceding to the publication of those parts of the report that have been objected to?

Mr. PIKE. Mr. Speaker, will the gentleman yield?

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Mr. BAUMAN. I yield to the gentleman from New York.

Mr. PIKE. First of all, Mr. Speaker, I would like to say that as to the report itself the only reason that the unanimous-consent request was necessary is that the House will not be in session on this Friday. The report itself is completed. The time which is being asked for right now is only for the purpose of the filing of minority or additional views by the Members.

As to the question of leaks, I do not believe that any Member abhors leaks more than I do. Obviously they do hurt the credibility of the committee, and I may well have made one basic mistake which makes it impossible to trace the leaks. The basic mistake may well have been that on the day that the draft report was made available to the members of the committee it was also, out of what I deemed to be a sense of justice and fair play, given to the CIA.

I am aware that many copies of the report have been circulated through the Department of Defense and through the State Department, and I simply say to the gentleman that with our limited staff and our limited time there is no way on Earth that we can track down where the leaks came from.

Mr. BAUMAN. The gentleman is then suggesting the possibility that the leaks did not occur through members of his committee but perhaps through members of the staff of the CIA itself?

Mr. PIKE. Mr. Speaker, I think that is possible. I am not making the allegation because, as is usually the case with leaks, one does not know where they came from. I am simply saying that the CIA had possession of the draft at the same time and on the same day that the members had possession of the draft, and that many copies of the report have been made and circulated throughout the executive branch of the Government.

Mr. BAUMAN. Mr. Speaker, in response, I would say to the gentleman that if the history of the conduct of some of the members of this committee had been somewhat different, I might be able to believe the gentleman is possibly correct in his estimation of what may have happened to cause these leaks. However, the history of this committee gives me no reason to share the gentleman's optimistic opinion of the members of that committee.

Mr. McCLODY. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Illinois.

Mr. McCLODY. Mr. Speaker, I would like to point one thing out, not with respect to the subject of the leaks, because I do not propose to dwell on that subject at this point. However, with respect to the unanimous-consent request, it is true that this gives time to the minority members and to all members of the committee until Friday for the purpose of filing their additional and minority views, assuming that the House will not be in session on Friday.

So this would be an advantage primarily to the minority members. This was agreed to in our committee meeting this morning.

I also suggested in the committee meeting—and this was also unanimously agreed to by Republicans and Democrats—that we have until February 11 to file our recommendations. These do not relate to the substance of the entire subject matter but only to the recommendations of such bodies as possibly the House Oversight Committee with respect to suggestions for the restructuring of the intelligence community and other related subjects. This relates to a relatively nonpartisan and more objective part of the subject than the committee report itself.

So, Mr. Speaker, I would ask that the gentleman from Maryland not voice an objection to this request, because it would be inconsistent with what all of the members of the committee want.

Mr. BAUMAN. Mr. Speaker, I will say to the gentleman from Illinois (Mr. McCLODY) that he spent a full hour yesterday objecting to the publication of this report by any means because it contained portions which he felt would be detrimental to the intelligence community and the security of this country, and the pending request is to publish this same report. I find that somewhat inconsistent.

Mr. McCLODY. Mr. Speaker, if the gentleman will yield further on his reservation, I am not suggesting the publication or nonpublication of the report or any parts of the report. I think that parts of the report should not be made public, and I do not know what action, if any, the House may wish to take with respect to the discussion that we did have here on the floor yesterday. However, this unanimous-consent request does not relate to the publication or nonpublication. It merely relates to the filing, the date of filing of the report, and is with respect to the recommendations. The recommendations, of course, would not relate to any sensitive materials whatever.

Mr. BAUMAN. Mr. Speaker, I would say that I have a great deal of respect for the gentleman from New York (Mr. PIKE) and for the gentleman from Illinois (Mr. McCLODY); but some of us had hoped, when this report was formally presented to the House, to have a chance to consider some parliamentary method so that those portions of the report which might be detrimental to the interests of this country could be excluded from publication.

Mr. Speaker, if we grant this permission to file, there will be no such occasion.

Therefore, Mr. Speaker, I object.

The SPEAKER. Objection is heard.

OIL PROFITS NOT DEPLETED

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, today's news reports indicate that four major oil companies—Exxon, Shell, Union Oil of California, and Sun Oil—reported substantially lower profits in 1975.

Substantially lower than what? Than

the unconscionable and exorbitant windfall profits of 1974.

The present high plateau of oil profits can be seen by comparing the latest figures with the recent history of oil profits as compiled by the Library of Congress and as reported by the companies:

[In millions]				
	1972	1973	1974	1975
Exxon	\$1,531	\$2,443	\$3,030	\$2,500
Shell Oil	260	333	620	514
Union Oil of California	121	180	288	233
Sun Oil	155	230	378	220

In today's reports, each of the companies complains of declines in profit and available capital. But compare these latest profits to those of 1972, before the major, contrived increases in oil profits began.

In 1975, Exxon's profits were up 63 percent over 1972 net income—a rate of increase in profits far exceeding the increase in inflation.

In 1975, Shell's reported net income is up 97.6 percent over 1972's net income.

In 1975, Union Oil of California's profits are 92.6 percent higher than 1972.

In 1975, Sun Oil net income was 42 percent above the 1972 figures.

Oil profits for 1975 may be indeed lower than they were in 1974—but it was a year in which oil profits were at a sinful and inordinate level—a year in which the consumers of America were grossly ripped off.

An objective study of the industry will prove little depletion of oil profits.

TRIBUTE TO EMORY CUNNINGHAM, RECEIVER OF THE 1975 HENRY JOHNSON FISHER AWARD

Mr. BUCHANAN. Mr. Speaker, my distinguished constituent, Emory Cunningham, the president and publisher of the Progressive Farmer Co. of Birmingham, has received well-deserved recognition in being named the 1975 Henry Johnson Fisher Award winner as "U.S. Magazine Publisher of the Year."

This award is given annually by the U.S. Magazine Publishers Association. It is the first time that a southerner has won the award. It coincided with the 10th anniversary of the Southern Living magazine, which Mr. Cunningham helped to launch.

Under his leadership, Southern Living has grown from a circulation of 200,000 to more than 1.25 million in 15 southern and southwestern States.

Progressive Farmer, which was founded in North Carolina in 1886 with a 6,000 circulation, today has a circulation of 1 million.

Since Mr. Cunningham became president, the company has launched a book publishing and marketing division, which published "Jerico, the South Be-held," in 1974, setting a world record for an art book first edition print order with 150,000 copies printed and sold in a 5-month period.

Emory Cunningham is one of the finest and most intelligent citizens and civic leaders, it is my privilege to repre-

the request of the gentleman from Massachusetts?

There was no objection.

SETTING DATE FOR SUBMISSION OF AD HOC SELECT COMMITTEE ON OUTER CONTINENTAL SHELF

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 977) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 977

Resolution setting the date by which the rest of the ad hoc Select Committee on the Outer Continental Shelf must be submitted to the House

Resolved, That notwithstanding section 4(a) of House Resolution 412 of the 94th Congress, adopted April 22, 1975, the ad hoc Select Committee on the Outer Continental Shelf is authorized and directed to transmit its findings and report to the House on such matter as may have been referred to it and on which it has acted as soon as practicable, but not later than March 31, 1976.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. ROUSSELOT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 17]

Abzug	Early	Jordan
Addabbo	Eckhardt	Kastenmeier
Anderson,	Ellberg	Keys
Calif.	Esch	Kindness
Anderson, Ill.	Eshleman	Koch
Andrews, N.C.	Evans, Ind.	Landrum
Archer	Fary	Leggett
Badillo	Fenwick	Lehman
Barrett	Fish	Lent
Beard, R.I.	Fisher	Litton
Bell	Fithian	McDonald
Bergland	Flowers	McEwen
Biaggi	Flynt	Macdonald
Boland	Foley	Madigan
Bolling	Ford, Mich.	Mann
Bowen	Ford, Tenn.	Mathis
Breaux	Fraser	Metcalfe
Brinkley	Frey	Milford
Brown, Calif.	Fuqua	Mills
Brown, Mich.	Gaydos	Minish
Broyhill	Gilman	Mink
Buchanan	Goldwater	Mitchell, Md.
Byron	Gonzalez	Mitchell, N.Y.
Chappell	Goodling	Moakley
Chisholm	Gude	Mosher
Clancy	Hagedorn	Moss
Clay	Harkin	Mottl
Cleveland	Harrington	Murphy, Ill.
Cohen	Harsha	Nix
Conlan	Hayes, Ind.	Patman, Tex.
Conyers	Hays, Ohio	Patten, N.J.
Cotter	Hébert	Pepper
Coughlin	Hefner	Peyser
Crane	Heinz	Pike
Daniel, Dan	Helstoski	Rees
Daniel, R. W.	Hillis	Reuss
Daniels, N.J.	Hinshaw	Richmond
Dellums	Holt	Riegle
Dent	Holtzman	Risenhoover
Derwinski	Howe	Rodino
Diggs	Hughes	Roe
Dingell	Jacobs	Rooney
Dodd	Jarman	Rosenthal
Downey, N.Y.	Jenrette	Rostenkowski
Drinan	Johnson, Pa.	Ryan
Duncan, Tenn.	Jones, N.C.	Sarasin

Selberling	Stratton	Whitehurst
Shipley	Stuckey	Wiggins
Shuster	Symington	Wilson, Bob
Smith, Neb.	Taylor, Mo.	Winn
Snyder	Teague	Wolff
Staggers	Thone	Wylder
Stanton,	Traxler	Yatron
J. William	Tsongas	Young, Alaska
Stanton,	Udall	Young, Fla.
James V.	Vander Jagt	Young, Tex.
Steelman	Vigorito	Zefere
Steiger, Wis.	Walsh	

The SPEAKER. On this roll call 262 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

A SERIOUS QUESTION RELATING TO THE AUTHORITY AND REPUTATION OF THE HOUSE SELECT COMMITTEE ON INTELLIGENCE AND TO THIS HOUSE OF REPRESENTATIVES AS AN INSTITUTION

The SPEAKER pro tempore (Mr. MURTHA). Under a previous order of the House, the gentleman from Illinois (Mr. McCLODY) is recognized for 60 minutes. (Mr. McCLODY asked and was given permission to revise and extend his remarks.)

Mr. McCLODY. Mr. Speaker, my reason for taking this special order is to bring to the attention of my colleagues in this Chamber and to the American public a most serious question which relates to the authority and reputation of the House Select Committee on Intelligence and to this House of Representatives as an institution.

Mr. Speaker, the charge contained in the resolution of this body, House Resolution 591, is unprecedented in its scope and application to the most sensitive activities of our Nation both here and abroad. In establishing this Select Committee To Investigate the Foreign and Domestic Intelligence Agencies of Our Government, the select committee was directed in section 6 of the resolution to institute and carry out rules and procedures to prevent the disclosure, outside the select committee, of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government.

Mr. Speaker, the committee, after some misunderstandings and differences of opinion with the executive department, undertook to adopt procedures which formed the basis for the receipt of more classified, sensitive, secret, and top secret information than has ever heretofore been received by any committee of the House of Representatives.

Mr. Speaker, let me outline briefly the experience of our committee and committee staff which resulted in the delivery to our committee of large volumes of such classified and secret materials—information which, in my opinion, enabled our committee to substantially fulfill its mandate of investigating the strengths and weaknesses of our existing foreign intelligence agencies.

In the first instance, the committee established its own rules with respect to

protecting such sensitive information as might come to the committee's possession. The committee's rules provided in part as follows:

The chairman in consultation with the ranking minority member of the committee shall, with the approval of the committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of all material and testimony received or obtained pursuant to House Resolution 591, 94th Congress.

While this provision was sufficient to protect the secret information in the committee's possession, it soon became apparent that the executive branch would not comply with our requirements for classified and other types of secret information unless we gave assurances that the committee would not unilaterally declassify or make public such classified and secret information as the intelligence agencies of the executive branch might be willing to furnish.

As the ranking Republican on the committee, I communicated with the White House and, after meeting with counsel for the President, I recommended to the chairman of the committee that we should adopt a policy giving assurances that such classified and other secret information and materials as might be received by the committee should not be declassified or otherwise released to the public until after appropriate committee action and that specific notice should be given of any meeting at which a declassification was intended to be voted upon with an opportunity for counsel to the President and representatives of the intelligence agencies to comment with respect to such proposed declassification. This recommendation was supported by all four minority members of the select committee and presented directly by me to the President.

Thereafter, on Friday, September 26, as the Speaker will recall—the chairman, Mr. PIKE; the Speaker of the House; the Director of Central Intelligence, Mr. Colby; the Secretary of State, Dr. Kissinger; the minority leader, Mr. RHODES, and I, as well as several others, met with President Ford in the White House to discuss and work out a procedure whereby classified and other secret information might be received by the committee for purposes of the committee's investigation, and would be retained in confidence.

In connection with discussing these procedures, it was understood that certain types of information would be omitted, such as names and identities of intelligence agents, diplomatic exchanges, and certain other exceptions—which, however, the committee would have the right to verify. It was further understood and agreed that in addition to the right of intelligence agencies to comment with respect to proposed declassifications of material by the committee, the President would have the right to personally certify that national security interests were involved and thereby preclude the committee from making public materials or information—subject, however, to the further exception that the committee would have the right to submit the issue to the court for final determination.

Mr. Speaker, the President gave assur-

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ances of his full cooperation with the committee on the basis of this understanding and thereafter the agreement was presented to the full committee at a formal and open meeting on October 1, 1975, and, by a vote of 9 to 3, it was agreed that these procedures would apply with respect to documents, testimony, and other materials received from the intelligence agencies which were of a classified, secret, or top secret character.

Mr. Speaker, the agreement and policy of our committee was summarized by the chairman (Mr. PIKE) in these words:

I am afraid that if we accept these documents under these conditions, we are in effect setting a policy for no other committee except this committee, but I do think we are setting a precedent and a policy for this committee.

Mr. Speaker, I am including as a part of my remarks additional portions of the transcript of the committee meeting at which this procedure was formally agreed upon. And, I should point out that information began promptly to flow to the committee in large volumes in accordance with this procedure as adopted. In this connection, the materials were accompanied by a covering letter which read in part as follows:

This is forwarded on loan with the understanding that there will be no public disclosure of this classified material nor of testimony, depositions, or interviews concerning it without a reasonable opportunity for us to consult with respect to it. In the event of disagreement, the matter will be referred to the President. If the President then certifies in writing that the disclosure of the material would be detrimental to the national security of the United States, the matter will not be disclosed by the committee, except that the committee would reserve its right to submit the matter to judicial determination.

Mr. Speaker, the committee has adhered to this understanding and this procedure during our hearings. It now appears, however, that in connection with the preparation and filing of the committee's final report and recommendations to the House that this agreement and understanding is about to be violated and that the conditions upon which the committee received highly sensitive and classified information are about to be breached.

The Central Intelligence Agency and other intelligence agencies of our Nation have protested the proposed inclusion in our committee report of such sensitive information. Notwithstanding these protests and notwithstanding the position which I am maintaining here today on the floor of this House, a majority of the members of the committee contend that the committee's procedures and the agreement or understanding reached with the executive branch of our Government is inapplicable to the committee's report.

Mr. Speaker, I hold no brief for the executive branch, and I am not here today to advance their position. I have been as insistent and persistent as any member of the committee in our successful efforts to receive classified and other highly sensitive and secret information essential to this committee's investigation. I have supported the issuance of

subpenas and I have protested when they were not fully complied with. But, Mr. Speaker, it has never been my view that the secret or sensitive information which the committee received was necessarily information which we have a unilateral right in our judgment to make public whether at a hearing or business session of the committee or in the committee report.

Mr. Speaker, I am calling this to the attention of all of the Members of the House and to the American public in the hope that the committee will realize that the honor and integrity of the committee itself and of the House of Representatives as an institution are involved in this issue.

We have heard many public protests, as well as protests of our colleagues, against the leaks and public disclosures of secret information relating to our foreign affairs and affecting our national security. Many of those complaints are well-founded and, unfortunately, many of the leaks are reprehensible and inexcusable.

Mr. Speaker, it is my feeling that the Congress of the United States and particularly committees of this House charged with an investigation of intelligence activities should be trusted to receive and guard sensitive information. In my opinion, the President and the intelligence agencies of our Nation have expressed that trust in the delivery of much or all of the classified information which we have received. To merit that trust, we must continue to abide by the conditions under which we received the materials which came into our possession. To now repudiate that understanding or to interpret it in such a way as to say that it is no longer applicable because our hearings have come to an end is, in my view, a position unworthy of our committee and of this House of Representatives.

Mr. Speaker, we do not have to lay on the public record everything that we learned in our secret sessions. We do not have to identify in such a way as to give official recognition to activities about which there have been rumors or leaks. We can fulfill our mission and make responsible and constructive recommendations for improving our intelligence community without anyone questioning our honor or our word.

Mr. Speaker, I would hope that even at this late date and in the face of adverse votes which have been taken in the committee sessions that information, materials, documents, testimony and other types of classified, secret or top secret information would be neither alluded to not contained in any disguised or other form in the face of objections of the intelligence agencies involved or in violation of the procedures adopted by this committee.

Mr. Speaker, I have no specific recommendations other than the advice that we should exclude from our report all information contained in the classified documents or testimony which we received in confidence—unless or until the intelligence agencies affected release us from our pledge of confidentiality—and until the President is given an

opportunity to determine whether or not he wishes to certify that national security interests are involved.

Other members of the committee and of the House may wish to address themselves to this issue. Others may have different views—or stronger positions to express on this issue. What I am endeavoring to articulate here today is that the majority of the members of the House Select Committee have adopted a position—and are about to take action which may jeopardize for an indefinite time the ability of any committee of this House to become privy to secret information in the possession of the intelligence agencies. Of course, one other serious consequence could be damage of the most serious kind to our intelligence agencies and their dedicated and courageous men and women who serve our Nation in these vital services.

Still another consequence could be serious and permanent damage to our foreign relations with many allied and friendly nations. It is possible also that the lives or safety of some individuals may be at stake.

I, for one, do not wish to assume responsibility for endangering any foreign intelligence agent who has cooperated with our Nation in endeavoring to promote our national interests—or to adversely affect any on-going negotiations or other relations with any foreign nation.

Yet, in my opinion, substantial portions of the report as proposed to be filed and published by a majority of the committee will do just that.

Mr. Speaker, at this point, I would like to insert a portion of the official transcript of the select committee meeting of last October 1—at which the committee voted, by a 9-3 majority, to be formally bound by the procedures which I have described. The Members should note, first, there was no mention at all in the debate that the committee felt that this procedure was not applicable to the use of classified information in the final report; and, second, that both the chairman and I stated unequivocally that the acceptance of classified materials under the conditions in the cover letter from Director Colby constituted a binding precedent and policy for the select committee.

The excerpt follows:

WEDNESDAY, OCTOBER 1, 1975
HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, D.C.

The committee met, pursuant to recess, at 10:05 a.m., in Room 2113, Rayburn House Office Building, the Honorable Otis G. Pike (Chairman), presiding.

Present: Representatives Pike (Chairman), Galtimo, Stanton, Dellums, Aspin, Murphy, Hayes, Lehman, McClory, Treen, Kasten and Johnson.

Also Present: A. Searle Field, Staff Director, Aaron Donner and Jack Boos of the committee staff.

Chairman PIKE. The committee will come to order.

We have essentially two purposes for our meeting this morning. The first is to discuss with the committee the question of whether the committee should accept the documents which were turned over to me last night as being in compliance with the subpoena

which we issued under the conditions set forth.

Mr. Field, do you have the letter from Mr. Colby to me setting forth those conditions? I think they will be familiar to all of you. But I want to make it very clear what they say before we approve or disapprove of that action. I don't hesitate to just summarize them by saying that they set forth essentially the conditions which Mr. McClory and I discussed with the President the other day as to the release of any of the information contained therein.

Do you have that letter?

Would you read it to the committee?

Mr. Field. For the record, I would note that the letter is classified top secret but there is a stamp on it that says that it may be unclassified when the enclosure has been detached and the enclosure has been detached.

"DEAR MR. CHAIRMAN: With the approval of the President, I am forwarding herewith the classified material additional to the unclassified material forwarded with my letter of 29 September 1975, which is responsive to your subpoena of September 12, 1975. This is forwarded on loan with the understanding that there will be no public disclosure of this classified material nor of testimony, depositions, or interviews concerning it without a reasonable opportunity for us to consult with respect to it. In the event of disagreement, the matter will be referred to the President. If the President then certifies in writing that the disclosure of the material would be detrimental to the national security of the United States the matter will not be disclosed by the committee, except that the committee would reserve its right to submit the matter to judicial determination. In some 12 instances in the enclosed material excisions have been made of particularly sensitive matters. In ten of these instances they would pinpoint the identity of individuals who would be subject to exposure.

"In two cases this would violate an understanding with a foreign government that its cooperation will not be disclosed. In each such case, Mr. Chairman, I am prepared to discuss with you and the committee, if necessary, the specific basis for this exclusion due to the exceptionally high risk involved. I am sure that we can come to a mutual understanding with respect to its continued secrecy or a form in which its substance could be made available to the committee and still give it the high degree of protection it deserves. In case of disagreement, the matter will be submitted to the President under the procedure outlined above and the committee would, of course, reserve its right to undertake judicial action.

"Sincerely,

"W. E. COLBY, Director."

Chairman PIKE. Does any Member of this Committee object to our receiving those documents under those conditions?

Mr. ASPIN. Mr. Chairman, I'd like to just ask a few questions. These are then the procedures which in your mind conform to what you asked.

Chairman PIKE. In my mind it conforms to what I told the President that I personally would be willing to accept, but that I would not speak on behalf of the rest of this committee or the Congress.

Mr. ASPIN. A further question, Mr. Chairman. Is all of the information that has been provided all that we have requested?

Chairman PIKE. That is a very good question. There is missing a cable which we subpoenaed. It is, I believe, the cable to which Mr. Adams referred in his testimony.

Mr. Colby and Mr. Rogovin simply say they cannot find it. I believe them. I kidded them a little bit, but I said in the final analysis I do not believe that there is an intentional withholding of a document in their possession.

Mr. ASPIN. A further question, if I may. What is the Chairman's feeling about the fifty words or whatever it is that have been deleted from the material that has been presented?

Chairman PIKE. I believe they have been properly deleted.

Mr. ASPIN. Mr. Chairman, before we vote on this, let me be clear, this is, then the vote. We are establishing a precedent, am I correct here?

Chairman PIKE. I think there is no question that we are establishing the precedent for this committee. Before you vote, I want to point out that I do not see what we have gotten as any great triumph for this committee. I am not claiming any great triumph here. We have gotten precisely that on which we said we would move for contempt. We have gotten absolutely nothing else. We have gotten no additional documents which have been requested from the State Department. To the contrary, a document which we discussed at some length yesterday and which yesterday I believe we had been assured would be provided, we learned last night would not be provided. So I think that we have gotten exactly that which keeps Mr. Colby from being in contempt and nothing else.

Mr. ASPIN. What, then, in the Chairman's view happens to our resolution should we vote aye to accept this material under these rules?

Chairman PIKE. In my judgment, we should go forward with it simply because we have gotten nothing else. I think that it may have to be amended or modified and addressed to some other person or some other pieces of paper. But that can be done in the Rules Committee on the recommendation of this committee. I do not wish to lead the committee to believe that there has been any major breakthrough as to the access by this committee to documents.

Mr. GIAIMO. Will you yield?

Mr. ASPIN. Yes.

Mr. GIAIMO. I am a little confused because I came in a little late. What is it, then, specifically? Why should we take any vote at this time?

Chairman PIKE. The only reason we should take a vote is that I made an oral commitment, which I am going to keep, that if we do not accept the pieces of paper under these restrictions I am going to give them back.

Mr. ASPIN. As I understand it, these papers would deal with the matter of information that you wanted from Mr. Colby.

Chairman PIKE. That is right. That is all it deals with.

Mr. ASPIN. That is all it deals with.

I am not trying to create a confrontation. I think we should avoid that wherever possible. By the same token, it seems clear that until we insist in Congress we get little if any action from the Executive Branch. So that insisting and taking a hard position is important. But what concerns me is that if we set precedents here today they are going to be binding on Congress in the future.

Chairman PIKE. They will certainly be binding on this committee and I would tend to agree that they would be used as precedents throughout the Congress.

Mr. ASPIN. Do we have to create a precedent here today? That is my question. Can't we just take Mr. Colby's proper testimony and not work out an arrangement formally?

Chairman PIKE. I do not think we can. I think they have in good faith offered it to us under certain conditions and we are committed to accept those conditions or give it back. Mr. McClory.

Mr. McCLORY. Mr. Chairman, I notice that we have the second of the two bells ringing.

Would you rather we recess before I make a statement?

Chairman PIKE. Yes, we will recess for

fifteen minutes. I think it is important that we discuss this.

(Brief recess.)

Chairman PIKE. The committee will come to order.

Mr. Lehman, you had a question?

Mr. LEHMAN. Yes, Mr. Chairman. I just have kind of a thing about deletions. In accepting these documents with these 50 some-odd deletions.

Chairman PIKE. I don't want that to hang there. I am told it is 50 some odd words. A deletion can be very, very big.

Mr. LEHMAN. Yes. Now what concerns me is that if we accept these documents with deletions as stated by the Chairman, will this prevent us or preclude us, if we so decide, to go back to Mr. Colby and say that we need these particular names?

Chairman PIKE. No, it will not.

Mr. LEHMAN. If we want these deletions filled in, it will be up to us?

Chairman PIKE. No, that is not accurate, either. We are never prohibited from going back to Mr. Colby and arguing the case and taking it up to a higher level. We can take it up to the President. But I do not want to indicate to you that we will get it no matter how hard we argue.

Mr. LEHMAN. But it does not preclude us from trying?

Chairman PIKE. No, it certainly will not.

Mr. LEHMAN. Thank you.

Chairman PIKE. Mr. Aspin.

Mr. ASPIN. There are two things I would like to talk to the Chairman a little bit about and maybe make a record on this issue. There are two aspects to this precedent setting that we are doing here, if it is precedent setting, and I believe it is. One is what kind of precedent does this establish for further information from not only the CIA, but from other intelligence agencies? Has there been any assurances or any verbal discussion with the President or anybody in the White House about what will happen in the future if we accept information on these ground rules? What about the other requests we have, not only further requests from the CIA, but also the DIA and other agencies?

Chairman PIKE. I hate to say this in Mr. McClory's absence. I will say it and repeat it in his presence. Other than Mr. McClory's optimism, I have no such assurance at the present time. Would the staff agree with that? You know, you get vague hints and allusions and promises of goodies down the road, but I have no assurance either written or oral at the present time that our acceptance of these documents under these conditions is going to mean anything to other documents from other departments.

Mr. ASPIN. A further question: It also does nothing about our access problem to question witnesses that we are having from the State Department.

Chairman PIKE. Not one iota.

Mr. ASPIN. So what we are really doing is accepting this information as presented because it covers the things in our resolution. But we have no guarantee that it is going to go beyond that to other issues that are facing this committee.

Chairman PIKE. Mr. McClory, I want to repeat, Mr. Aspin asked earlier whether I have any assurances that our acceptance of these documents would mean anything as far as the flow of other documents is concerned. I said that other than your optimism I have no assurance. I have nothing either oral or written saying that other pieces of paper would be made available to the committee.

Mr. McCLORY. Mr. Chairman, if you will recognize me, I would like to respond.

Chairman PIKE. You are recognized.

Mr. McCLORY. I would like to respond by saying that in my conversations with the President, and I had a conversation with him yesterday, he indicates that he is going to cooperate fully with this committee with re-

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gard to all of the information which the committee requires for its investigation and will direct the agencies of the Executive Branch to provide that kind of cooperation.

It is true that with respect to the procedures which he has outlined and which I think are implicit in the covering letter which we have, there is a mechanism for our declassifying or releasing for publication classified material which, as you indicated, Mr. Chairman, is acceptable to you personally and which I feel provides a reasonable manner in which we can handle that almost unprecedented procedure.

I would like to say further that I inquired with respect to the other subject that was raised in yesterday's executive session with Mr. Boyatt with respect to any statement by a senior officer regarding a policy matter which he had reported to the senior officer. The question was raised as to whether he would be compelled under his oral instructions to remain silent in case of a misrepresentation of his policy recommendation. The President assured me that with respect to any testimony of any junior officer that he had a perfect right and I would gather an obligation, at least there was no restraint whatever on him to correct any inaccuracy, any misrepresentation, to refute that with his independent testimony.

Accordingly, I feel that the limitations which are thus seemingly placed on junior officers are only those consistent with the law and consistent with an effective orderly operation of our international relations and the handling of them.

Chairman PIKE. Are you saying that you find that that concept is implicit in our accepting these documents and that letter? Because if they are, I am changing my vote.

Mr. McCLORY. No. I am reporting on two things. I don't think the subject of the testimony of a junior officer is involved in the delivery of materials which we are receiving here at all. I would say this, Mr. Chairman, that I have personally gone to the President encouraging the cooperation with this committee which we are now receiving.

All of my colleagues on this side have done the same. The Republican Leadership has done the same. I think the response is a response to this committee. I would not want to regard it as a response to a threat. It is an attitude of this President, notwithstanding one columnist's comments to the contrary, and is quite in contrast to the kind of stonewalling which we had in a totally different proceeding last year.

Chairman PIKE. Mr. McClory, may I ask you a question?

Mr. McCLORY. You certainly may.

Chairman PIKE. Why, in your judgment, have we not gotten all of the other papers which we have subpoenaed from all of the other agencies with the same covering letter?

Mr. McCLORY. Well, I judge that this response from Mr. Colby is a response to one request we have made. I would assume that we would have similar responses from all of the other agencies. I do not see any reason why we should not.

Chairman PIKE. Why do you suppose we have not gotten them?

Mr. McCLORY. Frankly, Mr. Chairman, I would not be able to answer the question why we have certain materials and why we have not received others. I don't have any audit of the total materials that we require. I can assure you that I want the committee to get the information and all the materials we require similarly from other agencies as we are now receiving from the CIA. I feel confident that we will get it. I feel confident that this President will see that we get it.

Chairman PIKE. Mr. Aspin.

Mr. ASPIN. Let me put the situation as I see it and perhaps putting it a little in pessimistic terms. If it is too pessimistic, I hope the Chairman will say so. It seems to me we

are being asked to accept certain information under certain guidelines laid down by the person who is giving the information, guidelines as to what we can do with it. If we accept that, it seems to me that we are accepting a precedent for the future for how we are going to act as far as releasing the information. On the other hand, it does not appear that they are accepting this transaction as a precedent for giving more information in the future.

I think that what we end up with is a situation where we accept a precedent on how we receive the information or establish a precedent on how we receive the information, but their giving the information is just a one-shot proposition and no guarantee that they will do it in the future.

Mr. McCLORY. Will you yield?

Mr. ASPIN. Yes.

Mr. McCLORY. I do not think that is the case. The President has adopted a procedure under which the committee would release classified information. We adopted a procedure which initially provided for a review and comments by the affected intelligence agency. The procedure which is outlined in the letter now from Mr. Colby includes this additional element which Mr. Pike and I discussed with the President and others at the White House. That is that in the case of disagreement between the affected intelligence agency and the committee, then the President would have to personally certify that national security was involved in order for us to withhold the information. Even at that stage if we then insisted that we wanted to make it public, we would get to the point where we could litigate that subject.

It seems to me we may never get to the point where the President has to certify. I hope that we never get beyond that. But this is a mechanism whereby we can avoid this confrontation, avoid the litigation, avoid the contempt steps such as sending the Sergeant at Arms after Mr. Colby and things of that nature.

Chairman PIKE. If the gentleman will yield to me, I would like to say I think what you have stated is absolutely correct. I also think what Mr. McClory has stated is absolutely correct. But it avoids the basic question which you pose. That is, we have had no assurance that the adoption of these limitations on us in this instance will do anything to them in the production of papers, or at least I have not received any assurance.

Mr. ASPIN. That is the point, Mr. Chairman. I think that is important.

Clearly the thing we have to bargain with, and we were talking about the bargaining situation, what he wants from us is some guarantee about how the information is going to be released. What we want from him is some guarantee about our access to the information. It seems to me he is getting what he wants without us getting what we want.

Let me further probe the extent to which we are establishing a precedent, if I might, Mr. Chairman, by establishing these procedures and ground rules. I think the views of the ranking Minority Member, Mr. McClory, would be important on this. I would like to ask Mr. McClory and Mr. Pike what they view as the precedent that we are establishing. If we accept these restrictions or these procedures for releasing the information, does that apply to this group of papers only? Does it commit us to follow this procedure in releasing all other information? Does it commit just this committee to this kind of procedure during its lifetime? Does it commit other committees or establish a precedent for other committees of Congress? Would they have to follow similar procedures?

Is it going to set precedents for them? Is it going to establish precedents that will last beyond the lifetime of this Congress?

That is what worries me. If it were a one-

shot proposition where we accept these papers under these conditions but it is not a precedent I would not be so concerned. At the very least, Mr. Chairman, I would like to make sure that whatever we do, that maybe we are establishing a precedent for this committee for the future, but I hope we are not establishing a precedent for other committees of the Congress and other Congresses of the future.

I hope we will reserve our right to recommend somewhere some other procedures because I think the procedure that is laid down by this is not necessarily the one that we want to establish for all time and all places.

Chairman PIKE. Mr. McClory.

Mr. McCLORY. I suppose every time a committee adopts a procedure it will be referred to at a later date as a precedent if a committee wants to take similar action. This is, it seems to me, an initial and perhaps a unique procedure which we have adopted with regard to a very sensitive area of information and a committee is getting classified information in a way which no committee of the Congress ever has before, I don't believe.

Mr. STANTON. Would you yield?

Mr. McCLORY. It is, I would hope, a pattern which we might be able to follow in securing additional information. It provides a mechanism whereby we can, if in our judgment we decide we want to make public certain classified information, we can do so. If there is objection by the President on the basis of national security, we still have left open the route of litigating the subject.

I would hope we would not have to get to that. But we can get on with the work of our committee by getting this large volume of classified information and then moving on.

Chairman PIKE. Mr. McClory, we cannot get on with the work of our committee if we don't get it. I have had no assurance that we are going to get it.

Mr. McCLORY. I thought you had it.

Chairman PIKE. We have that limited bit of information in response to the subpoena on Tet. We have nothing in response to any of our other subpoenas.

Mr. McCLORY. It would seem to me that we would proceed with the material we have, insist upon getting the additional material. I would assume that it would be forthcoming. I know that this President wants us to receive all the information that we require. This is evidence of it and I think we will have further evidence of it.

Chairman PIKE. You have always had this feeling, but we have never had the papers.

Mr. STANTON. Mr. Chairman, let's be practical. If you tried to use this precedent in the Foreign Affairs Committee, they would laugh you right out of the room. The same would go in the Appropriation Committee. We are dealing with a specific instance here. We either accept it or reject it. We ought to have a vote on that question. I don't think anybody feels this is going to be binding to the Supreme Court or anybody else.

Mr. TREEN. Would you yield?

Mr. STANTON. Yes.

Mr. TREEN. I agree with the gentleman from Ohio. I have listened to the talk about precedent. While in a colloquial sense everything is a precedent, we are not bound by what we have done before. Indeed, if it would make other Members more comfortable, Mr. Chairman, what would be wrong in making that clear in whatever procedure we use here to accept this, that this is for this instance, this subpoena only and is not considered a precedent? Certainly it is not a precedent. I don't consider it binding to me and I don't fathom the argument that although it is a precedent of sorts it is binding on any of us. I do not find it binding on me.

Chairman PIKE. The difficulty I have with your statement is that if we do not deem it to be a precedent for this committee how are we going to get any other documents?

We have said it does not represent the procedure which Mr. McClory says it does represent.

Mr. STANTON. Mr. Chairman, if I might, I would point out that we are going to have a good deal of difficulty getting information, especially information that might be particularly embarrassing to the Administration.

We know that in terms of what we are dealing with. We have this information. There is a difference between what you would say you would abide by in rules that would require a free flow of information.

Mr. McClory would abide by rules in which he would reside all his confidence in the President to disclose the information. I think we ought to vote on this issue, get it over with and go from there.

Chairman PIKE. Is the committee ready to vote?

Mr. Dellums.

Mr. DELLUMS. Thank you, Mr. Chairman, I have a few comments. First of all, I disagree with the majority of the comments made by most of my colleagues here because I believe that this is another delaying tactic. It is a piecemeal approach to a very critical problem. I think this committee ought to stand its ground. First of all, whether we stipulate that the ranking Member is correct, that there is no precedent involved here, I would suggest, first of all, that in this covering letter the condition is that we agree in effect to the discussion draft provision with respect to public disclosure of information. I disagree with that approach. No. 2, under the title "Materials to be Supplied," we heard testimony in executive session from our own staff which convinced several Members to change their vote and the result was ten to two, to in effect reject out of hand the discussion draft laid down by the Executive Branch on the supplying of materials and the publication of materials.

It would seem to me that if we accept this material today within the framework of the covering letter we are in effect backing off the ten-to-two vote of this committee because, No. 1, identities of secret agents, sources and persons, organizations involved in operations, et cetera, is both implicit and explicit in this covering letter.

I don't have to repeat the language on public disclosure. I think that is very evident to most members of the committee here. I think we ought to stand our ground.

If the Executive Branch were operating in good faith it would seem to me they would have given all the material to us. It has always been my thought and I would clearly point out that it is simply my judgment, that the material that is most controversial and the material that has given rise to this controversy does not go to the Tet offensive nor the October War, but it goes to the information on the coup in Portugal and it goes to the information with respect to Cyprus. Both bodies of material I think are highly explosive and I think we are going to continue to be mouse-trapped further and further down the line with more delays.

I think we ought to operate in the framework of a total solution. I do not think we should operate today on a fragmented approach. We are here today on Tet. We may be here next week on something else. If the Executive Branch wanted to be forthcoming, why don't we have a clear unequivocal settlement on this issue?

I would like to ask the Chair one question for the record. Given the content of the covering letter and the content of the draft discussion that we in effect rejected in a vote of ten to two, do you see any substantial differences and if so, can you point them out to me?

Chairman PIKE. I would simply say that the differences I find I suppose are in degree.

The matters which have been excised, the words which have been excised from the

materials which have been delivered to this committee I believe were properly excised.

Mr. DELLUMS. Thank you, Mr. Chairman. I would only point out that we have had tacit agreement here that we would make those determinations as a full committee. So I find myself having to vote on the deletion of at least 50 words with no ability to determine for myself as a member of this committee whether or not they in fact represent the examples in the draft copy No. 1 under the headline "Materials to be Supplied." In that regard, I think it would be premature for us to attempt to vote without clearly understanding to what degree we are compromising in this area.

I am not prepared in any way to vote to accept this material giving these conditions.

The other day I voted with the ten. I have diligently attempted to be in support of the Chair because I think the Chair has been logical, rational and very courageous and clear-thinking in this matter.

In this particular issue today I find myself in a position where I probably will be in opposition to the Chair because I think our position is clear. I think our position is clear. I think our position can and will be sustained by the House of Representatives. In that regard I think we ought to not attempt to resolve these large questions as a special select committee. Let's find out whether the House wants to handle it for all time, one way or the other.

I think it probably premature for us to back off this situation. I think the Executive Branch knows there is some validity to our coming here with a modification to a degree in their position. I think we should not back off.

Chairman PIKE. Mr. Johnson.

Mr. JOHNSON. I am constrained to make a statement because the last statement characterized my position as a member of the majority. I do not feel there can be any withdrawal from the premise that a Congressional committee is entitled to the information that it needs to have to conduct its investigation. But any examination of the law objectively, I think, will require one to acknowledge the publication of sensitive material and the rights as to who will declassify it is something that is a gray area of the law. It is not that clear. The submission of the material subject to the letter of 30 September 1975, signed by Mr. Colby, is in essence in agreement with the position taken by the committee earlier as to the publication of sensitive material.

I find nothing offensive about it and nothing wrong with it. I intend to continue to insist on the right of this committee or any committee of Congress to get the information it needs to have to do its work. Whether or not it will subsequently declassify those documents is something that can be worked out and should be worked out at this point with the Executive Branch because the law is not clear. I find this committee meeting degenerating into a political harangue. I don't want to have anything to do with this kind of talk.

As far as I am concerned, the resolution has been complied with. The committee subpoena has been complied with relating to September 12. The other subpoena has not been complied with. If we want to take action with respect to the subpoenas which have not been complied with, let's do it. But let's not start talking about this Administration versus some other Administrations which have occurred in the past. I personally have a great interest in various assassination attempts which have occurred in previous Administrations. Covert activities which have occurred during previous Administrations are of great interest to me. If we let this thing degenerate into a political harangue, then we are really going to miss the point which is in my judgment an opportunity to

make a contribution to the intelligence gathering activities of this country and remove the nefarious, clandestine covert activities which have occurred which I personally am ashamed of. I would like to see us direct our attention to the real guts of the commission of this committee and that is to do something and not make political issues and harangues. We have the material we subpoenaed.

If you want to go on and provide in your resolution that we will enforce the obtaining of the other subpoenas which have not been complied with, I will vote for you. But if you are going from the point of view of making it a political instrument and start this name-calling process we seem to be degenerating into today. I don't want to be any part of it. I don't want my vote characterized.

Chairman PIKE. Mr. McClory.

Mr. McCLORY. I move the committee accept the materials which the committee has received which you have explained on the conditions contained in the letter from Mr. Colby. I ask for a roll call vote.

Chairman PIKE. Mr. Stanton.

Mr. STANTON. I move the previous question.

Chairman PIKE. Mr. Dellums.

Mr. DELLUMS. I would simply like to make a brief comment in response to my distinguished colleague.

Chairman PIKE. Will you withhold your motion?

Mr. STANTON. Yes.

Mr. DELLUMS. I am not involved in any kind of political harangue. I think it is tragic that we would even make those kinds of labels. I am not interested in campaigning against Gerald Ford. He wouldn't get many votes in my district anyway. He wouldn't get many votes in Berkeley, so I think it is absurd to make that statement. I am not doing any name calling. I am saying that Congress, one, has a right to get any material that it needs in order to pursue an investigation. I frankly believe that we ought to come down on a side that we can publicize any material that we choose to publicize if we in our judgment within the framework of a democratic process decide to do it. That has nothing to do with political harangue, it has to do with a statement of principle and a statement on judgment. You and I may disagree on those judgmental questions. It has nothing to do with politics or has nothing to do with Gerald R. Ford. It has to do with what we perceive as our rights on the committee.

Chairman PIKE. It is the position of the Chair that we understand the issues.

Mr. MURPHY. Mr. Chairman, I think what we are talking about here is obviously congressional intent and I think the committee is unanimous in its feeling that it does not want to be bound by a precedent.

Perhaps we can be bound by this letter in this specific instance. We are not establishing policy.

Chairman PIKE. I would like to agree with the gentleman, but I don't think I can. I am afraid that if we accept these documents under these conditions, we are in effect setting a policy for no other committee except this committee, but I do think we are setting a precedent and a policy for this committee.

Mr. ASPIN. Can we make it clear we do not want this to be established as a precedent anywhere else?

Chairman PIKE. Let the record so stipulate. Has anyone objection to that?

Mr. McCLORY. Without prejudice, we are receiving it.

Mr. STANTON. I move the previous question.

Chairman PIKE. The Clerk will call the roll.

The CLERK. Mr. Gialmo.

Chairman PIKE. Mr. Gialmo votes "no," by proxy.

The CLERK. Mr. Stanton.

Mr. STANTON. Yes.

The CLERK. Mr. Dellums.
 Mr. DELLUMS. No.
 The CLERK. Mr. Murphy.
 Mr. MURPHY. Aye.
 The CLERK. Mr. Aspin.
 Mr. ASPIN. No.
 The CLERK. Mr. Milford.
 Chairman PIKE. Mr. Milford has left me his proxy and I think it would be fair to state he would want me to vote it "aye."
 The CLERK. Mr. Hayes.
 (No response.)
 The CLERK. Mr. Lehman.
 Mr. LEHMAN. Aye.
 The CLERK. Mr. McClory.
 Mr. MCCLORY. Aye.
 The CLERK. Mr. Treen.
 Mr. TREEN. Aye.
 The CLERK. Mr. Kasten.
 Mr. KASTEN. Aye.
 The CLERK. Mr. Johnson.
 Mr. JOHNSON. Aye.
 The CLERK. Mr. Pike.
 Chairman PIKE. Aye.
 The motion is agreed to by a vote of nine to three.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. MCCLORY. I am happy to yield to the gentleman from Florida.

Mr. SIKES. I thank the gentleman for yielding.

I applaud the concern of my distinguished and able colleague, the gentleman from Illinois, (Mr. McClory), about disclosures of the intelligence-gathering processes of our Government, including secrets about intelligence agencies, the disclosure of which certainly is not necessary, certainly will do only harm to our Government, to the objectives of our Government, and to this beleaguered agency of the Government, which surely and certainly is being destroyed by the investigations which are taking place.

With all respect and regard to the members of the committees which are conducting the investigations, I sincerely hope that they will consider very carefully any disclosures which they seek to make, realizing that an intelligence-gathering organization is essential in any major power today. To unnecessarily disclose the work of that organization and its personnel simply cripples its effectiveness, makes other nations afraid to work with us, leaves it dead in the water and leaves us crippled in what we are trying to learn about the efforts of an enemy whose progress is becoming more pronounced every day, an enemy which now has shown they do not fail to fall back on armed conquest to further their efforts.

Surely, we realize what we are doing to our own country by denying our Government the ability to learn as much as it can about the activities of other powers not friendly to the United States.

Mr. MCCLORY. Mr. Speaker, I thank the gentleman very much. It is absolutely true that it can only do harm when we have disclosures of secret information which can be beneficial to the enemy; but it was essential for us to get at the secret information. I supported our getting at the secret information, not for the purpose of publicizing it, but for the purpose of carrying on our investigation which could only be carried on if such secret information was made available to us. Therefore, I am aghast at what the committee proposes to do which is contrary to what I understood the pro-

cedures of the committee to be and which—in my view—is inconsistent with section 6 of the resolution (H. Res. 591) authorizing the creation of our Select Committee on Intelligence.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. MCCLORY. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman for yielding.

I congratulate the gentleman for his position.

Many of us, including this speaker, felt it probably was too great a buildup of power to the Executive. In many areas we have indicated the Congress was in some degree in partnership with the Executive in many matters; but I am afraid what we have shown here is a Congress that would like to be known as a reform Congress, that it is not a responsible Congress, because there are responsibilities to share in this area of leadership in determining policies with the Executive.

In many ways we are showing the Congress is not competent, is not responsible in this area.

Mr. Speaker, I would go one step beyond what my friend and colleague has said. I am even more concerned about the apparent leaks from the committee in violation of the rules to CBS News, to the New York Times and other media. While I agree with the gentleman 100 percent that the issue of what the committee itself ought to release is paramount, maybe even more significant at this time are leaks that proceed from committee members.

So across the board I think the committee, and I do not say this in criticism of the gentleman, because I know the gentleman's position, the committee has been like a sieve.

If we are to have a reform Congress, we must have a responsible Congress.

Mr. MCCLORY. Mr. Speaker, I just want to respond and say that I do not want to charge the committee or any members of the staff of the committee with the responsibility for leaks. I do not know where these leaks of information come from. The thing I am protesting here today is that the committee by deliberate action is putting out information containing top-secret material in a formal committee report. I am protesting, furthermore, because in my opinion this violates the procedures and understandings which provided the basis for our committee receiving that information.

Mr. GIAIMO. Mr. Speaker, will the gentleman yield?

Mr. MCCLORY. I yield to the gentleman from Connecticut, a member of the committee, and ranking member on the Democratic side (Mr. Giaimo).

Mr. GIAIMO. Mr. Speaker, I want to make two points. First, I want to thank the gentleman from Illinois for clarifying the point made by the gentleman from Ohio that the leaks came from the committee. We do not know, in fact, from where the leaks have come, and it is also a fact that our report has been disseminated to many people in the executive branch. They have it in their possession as well. We just have no way of

knowing at this time from where these leaks have come, whether from the committee or from people in the executive branch. Is that not so?

Mr. MCCLORY. Let me respond to the gentleman by saying that the first draft of the report was given to the representative of the Central Intelligence Agency, and I guess there was some distribution of it made there. I do not believe that the final report has been delivered to the executive branch.

My main point is that the committee by filing its report would reveal and publish deliberately and officially secret information.

Mr. GIAIMO. Mr. Speaker, the other point I would like to make is that it is important, I believe, to stress in our discussion that the chairman of our committee is unable to be here because of the inclement weather preventing air travel from New York this morning. He and the gentleman from Illinois are the only members of the committee who were privy and parties to the agreement with the President as to the distribution, dissemination and release of information.

However, I do know that the chairman's interpretation of any agreement with the President is different than that which the gentleman from Illinois apparently claims, and that, in fact, there is no agreement. There is no agreement as to release and dissemination of a congressional report, as we intend to do now, and it is the chairman's feeling that the agreements which we had as to particular classified documents did not carry over to a report. To do so would give the Executive the veto power over congressional actions and congressional reports, something to which we absolutely never agreed in committee.

Mr. MCCLORY. Let me respond to that by just saying that I am not tendering here and not laying out on the record any understanding or agreement which was reached in the White House as such. Following that meeting at the White House, the committee had a formal open meeting on October 1, at which we decided on our procedures, and on the basis of that meeting and on the basis of our procedures we have received covering letters from the CIA and from the other intelligence agencies with regard to all of this secret material in which accompanying letters it is set forth specifically that the materials should not be made public except in accordance with these particular procedures.

Those procedures required our committee to notify the affected intelligence agencies of an intention to declassify or make public information received in confidence—and if a disagreement arose, then submitting the information to the President of the United States prior to the time the committee proposed to publish this material. We are not following those procedures in connection with the classified information the committees report.

Mr. TREEN. Mr. Speaker, will the gentleman yield?

Mr. MCCLORY. I yield to the gentleman from Louisiana, the second ranking minority member of the committee.

Mr. TREEN. Mr. Speaker, I appreciate

the gentleman from Illinois bringing this matter to the attention of the House. I would like to speak to the issue of what the agreement provides. I think we ought to have it on the record and let this House, those Members who wish to take the time to examine the legal points, determine whether or not this committee is in violation of the agreement. I think there is no question but that it is.

I have the record before me of our session of October 1, 1975, in which the language of the agreement is set forth. I will not read all of it, but I will read the pertinent portion.

It provides that information is forwarded—

with the understanding that there will be no public disclosure of this classified material nor of testimony, depositions of interviews concerning it without a reasonable opportunity for us to consult with respect to it. In the event of disagreement, the matter will be referred to the President. If the President then certifies in writing that the disclosure of the material would be detrimental to the national security of the United States the matter will not be disclosed by the committee, except that the committee would reserve its right to submit the matter to judicial determination.

And by a vote, of 10 to 3, this agreement was accepted.

The background of this agreement was that we had a confrontation with the executive branch. Keep in mind what the issue was. They did not want to give us any information, and this committee wanted to receive it.

So this agreement was conceived and worked out in the context of this confrontation, and the executive branch said, "If you will follow these procedures, we will give you all of the classified information that you wish." And we accepted that.

The committee, on Tuesday of last week, voted 8 to 4 in open session not to delete the classified information, and not to go through the process that we had agreed to. The argument was made that there was a difference of opinion as to how this agreement should be interpreted. The argument, as was suggested by the gentleman from Connecticut, was that this agreement could not affect a congressional committee in the preparation and the filing of its final report.

I think it is true that a committee of Congress has a right to put in the report whatever it wants, except to the extent that it gives up that right, that it contracts away that right.

I am not saying that this contract could be enforced. I am not saying that the courts have jurisdiction. But we ought not to break faith with the executive branch on an agreement that is abundantly clear.

No one ever suggested that this agreement would only apply to classified information up until the time we filed our final report.

The argument is made now that, whereas we are bound by this agreement with respect to classified or secret information during our deliberations, it will not apply on January 31, when we file our committee report. How ridiculous and how preposterous can one get?

The agencies were supplying informa-

tion about events occurring over many years in many different administrations. And to suggest that it was the intent of the administration to supply us with information that it considered sensitive and that we could: Release on January 31, but that we could not release at any time prior thereto, is absolutely and patently ridiculous.

Please note the final words of the agreement, the provision that permits us to go to the court. This suggests that we well knew this matter could go on beyond January 31, because there is no way in the world we could have a judicial determination prior to that time. Why would this provision be included if it was intended that we could "tell all" on January 31, 1976?

The resolution creating the select committee, and which this House debated, sets forth our obligation in section 6.

I think the committee has an obligation to live up to its agreement, and that this House has an obligation, in accordance with the mandate of House Resolution 591, which was discussed at length in this body.

Section 6 is the provision which mandates how we take care of information that we receive. Section 6(a) says that the select committee shall institute and carry out such rules and procedures as it deems necessary to prevent First, the disclosure outside the select committee of any information relating to the activities of the Central Intelligence Agency or any other department or agency of the Federal Government engaged in intelligence activities obtained by the select committee during the course of its study and investigation, not authorized by the select committee to be disclosed; and second, and this is the important point—the committee shall institute and carry out such rules and procedures necessary to prevent "the disclosure, outside of the select committee, of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government."

The issue here is not whether some of the agencies have engaged in acts which we do not condone. That is not the issue at all. The issue is: Shall this committee live up to its agreement that it undertook in good faith with the executive branch and, second, will the mandate, in House Resolution 591, for the handling of this type of information be abided by?

Mr. McCLORY. Mr. Speaker, I thank the gentleman very much for his remarks.

I think another point that should be emphasized concerning the cover letter is that it makes clear that the material is not truly the material of the committee. It was received by the committee on loan. In other words, these materials still technically and legally belong to the intelligence agencies, and we received them on loan, which is the way in which other classified and secret material has been received by at least one other committee of the House in the past.

Mr. ASPIN. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Speaker, I thank the gentleman very much for yielding.

I would like to address the question that we have before us about what kind of an agreement we had with the President because I think that is very fundamental to what we are talking about.

I recognize that the gentleman from Louisiana (Mr. TREEN) and the gentleman from Illinois (Mr. McCLORY) have a certain understanding about what we agreed to but other Members have different interpretations. In reading over the transcript of the meeting we had on the subject one cannot make a case one way or the other.

Let me put it into context. The agreement that we entered into was taken after the information about the Middle East war relating to the four words was released.

There was a big brouhaha over the four words and the President said:

If you are going to release information like that, I am not going to send you any more, and what is more, I want you to return all of the information that is classified that you have now.

There was an impasse. He said that we had released information in a way which was detrimental to the security of the country, and the committee said it was not detrimental, and there was an impasse. We could not get any more information, and he wanted the information we had to be turned back.

So an agreement was reached, an agreement whereby the committee got the information that it was seeking, but we agreed not to release it until we went to the President, and then, of course, we could go through the judicial procedure.

But when the matter came to a vote in our committee what all of us had in mind was the release of information pertaining to the four words. It did not enter my mind as one of the members who sat there and went through the discussion that we were also talking about the final report. At no point in the debate in the committee did anyone raise the question about whether it covered the final report. I wish I had, because if I had raised it or if any other member would have raised it, we all would have reached some agreement at that point. However, we did not reach any agreement on the final report because nobody thought to raise the issue.

So what happened was that we had a vote and the majority voted that on any intermediate report or any interim report the committee would follow the prescribed procedure. And we followed that procedure when we tried to release three reports toward the end of December. We went through the procedure, and we followed the procedure.

Everybody in the meeting—Republicans, Democrats, liberals, and conservatives—agreed that the procedure that the majority voted for did cover any intermediate report or any interim report that would be issued by the committee.

Mr. McCLODY. Mr. Speaker, let me respond to the gentleman's points.

Mr. ASPIN. Mr. Speaker, if the gentleman will allow me, I would just like to finish my statement.

There was no agreement as to whether it covered the final report. I was not under the impression it covered the final report. I certainly would have objected to it violently had I thought it covered the final report.

Mr. Speaker, I do not believe that our committee ought to set a precedent for the whole Congress by saying that a final report of a committee can be censored by the executive branch, that it must be sent to the executive branch for approval.

Congress has a right and duty to help decide what is classified. The gentleman in the well, as well as every Member here, knows that the executive department uses classifications to hide all kinds of things. The executive branch uses classifications very properly on some occasions, but on other occasions the executive branch uses the classification system to prohibit the disclosure of things which are just embarrassing.

Mr. McCLODY. Mr. Speaker, I thank the gentleman, and I do not wish to yield any further because, in the first place, I would like to respond to some of the statements the gentleman from Wisconsin (Mr. ASPIN) has made. In the second place, the statement that the gentleman has made now particularly is going beyond the scope of this special order.

In other words, it might be entirely appropriate for the committee, in its recommendations, to suggest a better or an improved method of classifying and declassifying material. That is really a separate subject, and we are not talking about that here today.

It seems to me that it would have been incumbent on the part of the committee, if the committee was going to change its procedures, if it was going to distinguish between a report of proceedings or its transcript and a report we should have said so. We could have warned the intelligence agencies that "If we call it a report, we publish anything we have, no matter how highly sensitive or secret or top secret it is or whatever it consists of. Otherwise, we have to hold the material in confidence."

If there were to be two procedures, if there were to be two rules by which we were going to guard confidential information, we should have been above board and forthright. There was nothing said about that at all. As a matter of fact, in the letters which accompanied this secret information, it was stipulated that: "There will be no public disclosure"—unless the agreed-upon procedures are complied with.

It seems to me that that means no public disclosure, whether one calls it a report or whether we call it something else. It seems to me that we are the ones who have to answer as to whether or not we are violating the rules and whether we are betraying a trust. In my opinion, what we are doing is to jeopardize any oversight committee in the future. What committee of the Congress is going to be trusted with confidential information if

we deliberately put in a report and give official recognition to something that we received in secret and in confidence and under a promise that there would not be any such public disclosure?

Mr. Speaker, I think this offense is as serious—or more serious than the question of the leaks, which are so egregious and for which we also must have to assume some responsibility.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. McCLODY. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I appreciate the gentleman from Illinois yielding.

As one who did not support the creation of this committee or of its predecessor, I think the gentleman has very well proven, by his excellent recitation of the facts regarding the release of this report, the grave concerns that those of us who opposed the creation of the committee originally expressed. Of course, we all want our security agencies to act within the law, but we do not want them destroyed. In the face of world communism, we must have them.

However, Mr. Speaker, I would suggest to the gentleman that he comment with respect to my feeling that perhaps the concern which he has expressed about the release of the report by the select committee is somewhat academic. It is rather a moot point, because someone, whether it is a member of the committee or a member of the staff, or, as has been suggested by the gentleman from Connecticut, someone away from this place has released the entire report even before other Members of Congress had the chance to see it.

Under our rules, Mr. Speaker, the usual procedure is that any duly constituted committee must come to the full House and have its report presented to this body as an official document for printing. That usual procedure has not been followed in this case. The rules, as the gentleman from Illinois (Mr. McCLODY) has indicated, have been violated. Someone has given this information, in fact, the full report, to the New York Times and to CBS, and to others and the Congress has been denied what is our procedural right.

Mr. Speaker, I have no way of knowing when the gentleman from New York (Mr. PIKE) formally presents this report to the House, whether the House might go into secret session and refuse to accept this report, might reject the committee's procedure of allowing it to be made public, or even reject parts of it, as the gentleman suggests they should.

Mr. Speaker, I feel that whoever is responsible for this release should be found; and they should be brought before the bar of this House and publicly censured and as an example, if they are Members of this House they deserve censure because they obviously have violated proper procedure and have taken it upon themselves to conduct our foreign policy to the detriment of this Nation.

If such acts destroy our intelligence community, to them it apparently does not matter. I think that, in and of itself, is a breach of faith by anyone who has sworn allegiance to the Constitution.

Mr. McCLODY. Mr. Speaker, I thank the gentleman from Maryland (Mr. BAUMAN). I would like to respond to the gentleman's remarks.

For one thing, I did support the creation of this committee, and I have had great hopes for it. I do not want, at this point even, to express my complete disappointment with it.

However, we would not know how a committee of the House should operate if we did not have this experience. I feel a great disappointment in the action which the committee majority appears to be about to take.

Again, the sources of the leaks I do not know. I think it might be appropriate for the House or for the committee itself to engage some kind of an investigative agency to get at the bottom of where these leaks do come from because we should know if it is in the committee, if it is in the committee staff, or if it is in both of those areas. We should know about it.

I would support some kind of action of the House or committee action to engage a private agency, if necessary, to try to determine where these leaks and these breaches of faith come from.

Mr. KASTEN. Mr. Speaker, will the gentleman yield?

Mr. McCLODY. I yield to the gentleman from Wisconsin who has done such an excellent job, I might say, in trying to keep out a lot of this secret material from the report, and I call attention, in addition, to the able work of my colleague, the gentleman from Louisiana (Mr. TRENN), in this respect.

Also, at this point I would like to call attention to the formal motion presented by the gentleman from Texas (Mr. MILFORD), a member of the committee, in seeking to exclude from this report all classified, secret, and top secret information; unfortunately, his motion failed by

(Mr. KASTEN asked and was given permission to revise and extend his remarks.)

Mr. KASTEN. Mr. Speaker, I thank the gentleman from Illinois for yielding to me.

Mr. Speaker, I would like to bring to the attention of the House the wording from House Resolution 591 which is the resolution under which the committee is operating, and it says:

... to prevent ... the disclosure, outside the select committee, of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government.

I would suggest to the Members that the question is no longer whether or not we have violated this resolution. It is clear that this resolution has been violated and that we have disclosed outside of the select committee information which will be damaging to our national security and to our intelligence efforts and to the intelligence efforts of our allies. The question is not whether or not it has happened, but the question is only whose fault it is. The issuance of the House select committee report would break the basic agreement between the

committee and the White House. I feel that the gentleman from Illinois (Mr. McCLORY) who has been extremely eloquent in his statement, is correct and to the point. This agreement allowed the intelligence agencies to pass the most sensitive information to the committee. The intelligence agencies cooperated with the committee under the supposition that none of the classified information which was supplied would be made available to the public by the committee, without prior review by the administration.

There was never any cutoff date. A cutoff date would be absurd. For us to say that we would take the classified information, and keep it secret only until a particular date, and then release it would have been foolish. There was never any cutoff date understood or implied.

I do not think the report of the committee represents the feeling of the House, although it could well represent the feelings of the majority of the members of the committee on one particular day.

In fact, the House of Representatives has voted overwhelmingly in some similar issues. For instance, we voted just a few months ago not to publish the CIA budget. That was on a rollcall vote, and the committee in publishing this report containing so much classified data, including information on the budget of the CIA, violates the basic intent of the House, as it was expressed just a few months ago.

We could point to other specific examples. Some of the covert actions described in the report have been certified by the President as being in the national interests and, in fact, the Congress was briefed on these covert actions.

Mr. McCLORY. Mr. Speaker, I would like to suggest that we, ourselves, do not discuss the contents of the report, particularly any references to covert activities. It is my intention that we should refer to any specific contents of the report in our discussion today. It is certainly my hope that many of the parts of the report would be deleted, so that what purports to be the report as referred to in the New York Times would prove to be false, and that the Times does not, indeed have the final report of the committee.

Mr. KASTEN. Mr. Speaker, I share the hope of the gentleman from Illinois and agree with the gentleman entirely. The point I want to raise is that the Congress has been briefed on these issues, according to a recently passed law requiring that six committees be notified. In publishing this report the committee violates both the spirit and the letter of the law of this Congress.

There is no question but that the work of this committee could cause specific problems abroad in a number of areas. It could do tremendous damage, I believe, to our national security and to the work of intelligence-gathering agencies. I think that the report, whether it is officially released or not, has already done serious damage.

We have shown that a committee of the Congress cannot act in a deliberate, businesslike way when confronting these

important issues but that, rather, we have been leaking classified information like a sieve. The work of the intelligence committee is working against the basic premise that was shared by many Members of this Congress and many Americans who felt that we do need additional congressional oversight. That was the strong feeling of a number of Members of the Congress, and it was certainly the feeling of the American people.

But what we have shown, in fact, is that we cannot exercise that congressional oversight in a deliberate, businesslike way. Instead the committee has released information in unauthorized ways, broken its agreements with the executive branch, and conducted itself in ways that I believe will work against the intent of those who wanted to achieve more congressional oversight.

We have not built a foundation to make our recommendations meaningful; instead, I think we have worked against our basic purpose of developing a consensus for additional congressional oversight.

Mr. McCLORY. I thank the gentleman for his comments.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I rise today to voice my concern over the present state of the Central Intelligence Agency and to urge my colleagues to move expeditiously to form an oversight committee, either separately or in cooperation with the Senate.

I do not feel that an election year is necessarily the proper time to attempt a full scale reorganization of the intelligence community; however a congressional oversight committee is needed to begin laying the structure for needed reform of our intelligence gathering organizations and to provide the CIA in particular with a responsible, discerning and secure review of its operations and goals.

In the past few months, what began as a healthy investigation of the abuses of the clandestine activities of the agency has turned into a circus, with the CIA becoming open game for every individual or special interest group with an axe to grind. I am seriously worried about the impact of all of this on our intelligence capabilities.

We are an open and free society in a world which is becoming increasingly crowded with demagogues and despots. An open society cannot long exist in such a world unless it comes to grips with the difficult questions which arise when the public's right to know conflicts with its right to have its business conducted in a responsible manner. This is the issue which we in the Congress must deal with in the coming months.

I think that few would disagree that we must possess the organization necessary to gather intelligence and the expertise to digest and analyse it. No so-

ciety or institution can make rational decisions without adequate information. A university would not fire its faculty or burn its library; nor would a business destroy its records or alienate its contacts. Were the CIA so damaged, it would be a serious loss to our ability to function in an increasingly hostile and complicated world.

I was shocked at the abuses of the CIA and I would hope that the Congress moves to see that these so-called dirty tricks are not repeated in the future. Mr. Harry Rositzke writes in the January 1975 issue of Foreign Affairs Magazine that "Psychological warfare not only does not belong in a secret service, but is an anachronism in today's world." I agree with Mr. Rositzke, who served in both the CIA and its wartime predecessor the OSS. Still, we must not make the mistake of confusing this regrettable aspect of the CIA's past with its very real mission: a mission which grows increasingly important.

Mr. David Phillips, another former CIA officer who now heads the Association of Retired Intelligence Officers, testified before the Senate Government Operations Committee about the rapid decline in the morale of the CIA's officers and their attendant difficulties in maintaining and establishing contacts overseas.

Prompt creation of an oversight committee would halt this deterioration in the operating efficiency of the CIA and place the needed scrutiny of the agency outside of the reach of foreign governments and organizations and place it before the discerning review of a group of Members of Congress, chosen by their peers to deal with the subtle and difficult issues involved.

I would ask the House Intelligence Committee to expedite the publication of their report to the House and the Government Operations Committee to immediately begin hearings on the formation of an oversight committee. Our colleagues in the other body have realized the seriousness of the situation and the need for prompt action; I would hope that we do so as well.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman from Illinois for yielding.

Mr. Speaker, I commend the gentleman from Illinois, Mr. McCLORY, for bringing this matter to the attention of the House. I want to strongly associate myself with the remarks of the gentleman from Wisconsin. I think he hit the nail very much on the head. It seems to me all of the discussions about the agreement and the lack of agreement among members of the committee as to what the plain language meant and the procedures that have gone on indicate that this discussion is more akin to trying to determine how many angels dance on the head of a pin. It is very academic. The information is already in the public domain. It would seem to me a matter of the utmost urgency that this committee make a serious inquiry into determining the source of the leak, whether it was from someone in the

executive branch—which I personally doubt because I think it would be adverse to their interests—or whether some other party leaked this information.

The only good thing that comes from this whole sorry affair is proof positive that a congressional committee is probably the most inappropriate forum for oversight on matters that involve covert activity, and if we are to have any kind of a semblance of an intelligence community serving this country in a very hostile world, congressional committees that have access to highly classified material are the very least effective way to have oversight. It is a very great problem, but this is a very sorry day when the most secret information is made available to the media.

Mr. McCLODY. I thank the gentleman for his comments.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. McCLODY. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

I would just like to say that I have listened with great care to what has been said here today. I want to say that I am concerned about the points that the gentleman from Illinois has raised, and I am sorry that the chairman of the committee is not here today to comment on those points.

I certainly want to reserve judgment until I know more about the background of this situation, but I would have to say this: from what I have heard today, I do not see the distinction between the release of information in some other way and in the committee's final report. I have to say that to my friend, the gentleman from Wisconsin. I simply do not understand how the committee could undertake not to release information as the price for getting that information, and then turn around and put it in its final report and say, "This is different." I fail to see the distinction.

I am very concerned about the impact on the future powers of the Congress to oversee the CIA. I think the CIA has been guilty of egregious mistakes—egregious mistakes—and I want to stress that. But I think we want to be very careful that in our work we do not impair our own capacity to conduct responsible oversight in the future.

Mr. McCLODY. I agree with the gentleman, and I will be the first one to condemn the CIA for its excesses, for its failure to abide by the mechanisms which the Congress has established—which are the legitimate ways in which this secret agency should operate in carrying on both covert and overt activities.

I think actually the mistakes probably should not be totally credited or charged against the CIA, because it generally has been against the advice of the CIA on where the mechanisms and orderly procedures have been circumvented that we have gotten into trouble.

I am anxious to bring those to the attention of the House and anxious to have those corrected. I think all the members of the committee are.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. McCLODY. I yield to the gentleman from New Jersey.

Mrs. FENWICK. Mr. Speaker, I would like to associate myself most strongly with the remarks of my distinguished colleague, the gentleman from New York (Mr. BINGHAM). That was precisely what I had in mind.

It seems to me indefensible to say we agree that these matters are secret in the interim reports; but suddenly because they are going to be in the final report that they are no longer secret.

I cannot agree that this was not a good committee. As a matter of fact, I was in favor of it. I think Congress must inform itself concerning these matters.

I cannot but hope that this very grave damage to the honor and integrity of our system will not mean that the committees cannot operate in the future. It seems to me that it is quite possible that an honorable member of the committee under the promise of secrecy might find he or she had to reveal something. I think in that case the honorable member resigns from the committee, uses his own name and stands up before the public and says, "I am breaking my word, but this is so urgent that I must tell the public about it."

It seems to me that is the honorable system. How do we defend what we read on the front pages of the paper today? Is it possible this Government cannot operate in a more responsible way than this? Who is the unknown informed person that seems to have access to the entire report, when we in the Congress have not yet seen it? If we could have one quality that needs to be added to our Government today after what we have seen in these last years, surely it is the question of honor. We do not have to get a signed and sealed agreement that is going to stand up in a court of law in an adversary proceeding when somebody has given their word. We cannot go on like this.

Mr. McCLODY. Mr. Speaker, I agree with the gentleman. I say that these egregious mistakes committed by the CIA and other intelligence agencies may not get the attention they should, because attention is being focused on a breach of faith, a breach of confidentiality on the part of Congress. That is the thing that is going to impair us as an institution in the future—and we are creating this problem for ourselves.

Mrs. FENWICK. Mr. Speaker, these agencies must be controlled.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. McCLODY. I yield to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, first I want to commend the gentleman for the integrity and the approach the gentleman has taken, not only in this matter, but several other very difficult ones over the past several years coming before the Committee on the Judiciary, but particularly today for bringing this to the attention of the House.

Mr. Speaker, several days ago, I introduced into the Record an editorial from

the London Daily Telegraph which talked about the current rush to expose and publicize the activities of our intelligence-gathering operations, and headlined the whole story "Has America Gone Mad?"

I regret to say that I am very tempted to answer that rhetorical question in the affirmative, and to add that the Nation is being led in that direction by this Congress.

There actually appear to be Members among us who believe that our spy forces can be forced to operate under the philosophy of the Freedom of Information Act.

And that, Mr. Speaker, is madness. If there are Members who believe we should not have an intelligence operation, then let them stand up and say so straight out. If they think we do not need spies, let them say so. I shall disagree with them violently, but I shall certainly respect their right to their opinion.

But for heaven's sake let us not destroy the effectiveness of our intelligence forces while at the same time preserving their existence. Who—lest he be truly mad—can stand for an ineffective CIA? I believe we need a first-class agency, second to none in the world, and I will be happy to debate that point. But how does one debate with someone who, by their actions, are clearly saying that they stand foursquare for a sloppy job?

Now all of this comes clearly into focus with the incipient release—apparently—of the final report of the House Select Committee on Intelligence.

I have not seen the report, nor do I want to. I am reliably informed that it contains information gravely detrimental to the national security.

If that is true, then clearly its publication would mean that Mr. PIKE and his committee have led us to a new height in the madness of which I spoke earlier.

But is it true? How is one to know? The means to answer these questions was supplied by the committee itself when, on October 1, it established procedures, since followed, for the release of classified material.

The procedure was a simple one. If the agency involved indicated to the committee that a piece of information should not be published, and the committee disagreed, then the committee would forward the disputed material to the President, who would personally make the final decision, subject, of course, to the committee's option to seek court action.

Given the President's clear and constitutional duty to conduct the foreign policy of the United States, this procedure seems to me both wise and prudent, and I believe the committee's adoption of it was an act of statesmanship and responsibility on its part.

But now we hear that the committee is about to throw all of that into the garbage can, and with it the integrity of the Congress. Because they have refused to submit the final report to that procedure. And on what grounds? How can the shift be justified? Is the national security any less impaired by the release of a bit of information in January than it would have been in December? Or in

a final report as opposed to open testimony?

Such distinctions are nonsense. The only question which matters is whether or not the publication of this information is detrimental to the national security. Period.

I consider the whole matter of the release of this report an outrage. As a Member of this Congress, I object to our reneging on a promise; for to do so blackens the name of every one of us who sits in this Chamber.

But even more importantly, as an American, I object to the blithe unconcern which is being displayed by some in this Congress for the national security—which is my security, and which I as a citizen have entrusted to this Government, and this Congress.

I wish those who are rushing headlong into such dangerous waters would pause for a moment at least to consider that it is their security too, because it is. And it is far more important than the massaging of egos, the grabbing of headlines or even the winning of elections.

Has America gone mad? Only time will tell. But I must say that I regard this report situation as one of compound madness, and immense tragedy.

Mr. ASPIN. Mr. Speaker, will the gentleman yield?

Mr. McCLODY. I yield 1 minute to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Speaker, just to respond to a couple of points which were raised here. There are a couple of distinctions which ought to be made.

First, there is a distinction between the information that is leaked to the press and the information that is in this final report. Let us not confuse those. If we are looking for whose benefit it is to leak this information it is clearly not to the benefit of anybody who wants a strong oversight committee to have this information leaked. I agree with the gentleman from Ohio and others who said that it hurts the chance of establishing a strong committee.

Second, there is a distinction between the information in the report and the procedure that we are being asked to follow. We can agree with the gentleman from New York and the gentleman from New Jersey that the final report should not contain information which is classified, but the question is, should the final report go through the procedure of sending it to the President and the executive branch being the only ones to decide what is classified.

A committee report is composed of the drafting by the committee members and staff. The committee report is different from releasing information. It should not contain classified information, agreed. That is not the question. The question is, should the committee report go through this procedure of being sent to the executive branch for it to exorcise any information it does not want in it? I say no, no committee of Congress can possibly look itself in the face in the morning, having agreed to that. No committee of Congress can give away its powers and rights and establish precedents

which will hurt Congress in the years to come.

If the problem is one of deciding what information is classified and what is not we can work that out with the executive in other ways. We have been doing some of it this last week. It is the odious procedure of sending the report to the executive and taking their judgment as final that I object to.

Mr. McCLODY. Let me say to the gentleman that what I am talking about here is a committee report and the releasing of confidential information which was received by the committee under a pledge of secrecy without giving the opportunity to the President to decide whether or not the question of national security is involved. That is the point I am making today, and that is the mistake which our committee is about to make.

Mr. ASPIN. The gentleman in the well knows full well that the executive branch has gotten the opportunity.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. McCLODY. I yield to the gentleman from California.

Mr. SISK. Mr. Speaker, I thank the gentleman for yielding to me. Let me say that I commend him for taking the floor today and discussing this matter. I would hope, though, that all my colleagues would reserve judgment until this matter has been thoroughly discussed.

I would hope too, that the gentleman from Illinois would be available at a time when the chairman of the committee, the gentleman from New York (Mr. PACE) would be here to discuss the matter further. I am somewhat inclined to agree with the statements made by the gentleman from New Jersey and the gentleman from New York.

If in fact information is going to hurt the country, then I do not think it makes any difference whether it is in a preliminary report, final report, or what report. Again, I would suggest we might reserve judgment.

I have one question for the gentleman from Illinois that refers to the statement by our colleague, the gentleman from Illinois (Mr. HYDE), with reference to what this may do to the future of an oversight committee.

I for one believe very strongly that we must have some kind of congressional oversight in these areas, and I would assume my colleague, the gentleman from Illinois, agrees with that. And so I am terribly desirous that we conduct ourselves in connection with this situation in such a way as to assure that we do have such oversight.

I happen to believe that possibly a joint House-Senate committee is the answer. There again, though, that may not be. I simply wanted to say, and I hope my colleague, the gentleman from Illinois (Mr. McCLODY), would agree, that we should have for the future some kind of congressional oversight.

Does the gentleman agree?

Mr. McCLODY. Yes, I agreed that we should have an oversight committee. I agree that we should have a restructuring of our intelligence community, that the

question of covert operations should be spelled out, and we should make a number of very constructive recommendations.

It seems to me that this proposed report which would contain this secret information does a disservice to the committee and really jeopardizes the whole impact of the committee's work because it has divided the committee, it has divided the Members of the Congress here. I am sure as I stand here that the committee action about which I am protesting will create a cleavage between the Congress as a body and the executive branch and the intelligence agencies, which in my opinion, is completely unnecessary.

We do not have to spill all this material to the public and make it public in order to make these recommendations. But we are about to deliberately do just that. That is the thing that bothers me. It is an irresponsible, damaging and official leak of secret information by deliberate action of the committee, and that is the thing that I am objecting to.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. McCLODY. I yield to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. I thank the gentleman for yielding.

Mr. Speaker, I want to say that I do sincerely believe that we need congressional oversight of our intelligence community. But at the same time I think this experience we have seen in the last few days indicates how very carefully we must structure our Congressional Oversight Committee so that the committee will have the integrity necessary to preserve the effectiveness of our intelligence operations. That is my point.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. McCLODY. I yield to the gentleman from California (Mr. SISK).

Mr. SISK. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the comment of my colleague, the gentleman from Illinois, because I felt he was not taking a position against the committee. I recognize what has happened. The situation is such that, it seems to me, we have to be very, very careful how we proceed from here on, and to see to it that, so far as the future is concerned, we do have a legitimate oversight that is trustworthy, and that is respected in the Congress, by the people of the country and by the executive branch of the Government.

That is the reason I raised my point.

FURTHER PROTESTING THE ACTION OF THE SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TREEN), is recognized for 60 minutes.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. TREEN. I yield to the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN. I thank the gentleman

for yielding, and I want to thank him and the gentleman from Illinois (Mr. McCLORY) for this special order protesting the actions of the Select Committee on Intelligence whereby sensitive intelligence reports have been publicly disclosed.

Despite the binding obligation upon the committee not to release information damaging to the national security and our vital intelligence operations, and despite the agreement of this committee to guard against disclosure of this information which was received only upon such an agreement, the select committee has now voted to print a report of secrets which it would not have received if it had been known that the committee would disclose it.

Mr. Speaker, I waited patiently to see just what it was that justified the publication of this controversial disclosure. It was, therefore, very enlightening to hear the gentleman from Wisconsin (Mr. ASPIN) and his explanation.

His rationale is that the committee never specifically agreed not to publish the information in the committee report. He says the committee only agreed not to release the information.

Holy mackerel, Mr. Speaker. In effect that tries to suggest that the White House only objected to releasing sensitive information unless it were in the form of a committee report, and that is preposterous and absurd, to use the words of the gentleman in the well in the describing it earlier.

The gentleman from New York (Mr. BINGHAM) has correctly burst that gas-filled balloon. The gentleman from Wisconsin (Mr. ASPIN) still maintains the committee must not relinquish its right to publish information that it agreed not to disclose in order to obtain that information.

Much has been made of the dishonorable violation of the committee's rules in the premature publication of the information in this morning's newspapers. It seems to me that is small in comparison with the greater violation by which the committee majority actually voted to violate its own honor.

Mr. Speaker, I thank the gentleman for yielding.

Mr. TREEN. Mr. Speaker, I thank the gentleman from North Carolina (Mr. MARTIN) for his contribution.

I see that the gentleman from Wisconsin (Mr. ASPIN) is off the floor at this time. I wish he were still here because I would like to respond to a couple of points he made.

I think we need to emphasize again that the principal issue here, as raised by the gentleman from Illinois (Mr. McCLORY) and others, is the interpretation of this agreement. It is laid out now in the Record for all Members to read tomorrow, and I think that most Members, whether they are attorneys or not, will come to the same conclusion as did the gentleman from North Carolina (Mr. MARTIN) and the gentleman from New York (Mr. BINGHAM), who says that he has come to a tentative conclusion, that obviously the intent of the agreement was to set up a procedure for the release of classified information, whether

it be released during the pendency of the committee or at the time of its final report.

The agreement was entered into by the committee on October 1, 1975, less than 4 months ago. Some of the classified information that was received under that agreement, and other information received later under the terms of the same agreement, related to events that occurred many years ago, and the suggestion that the executive department was only interested in protecting this information for the next 4 months under this procedure and not thereafter is, of course, outrageous.

I am sorry that the gentleman from Wisconsin (Mr. ASPIN) is not here at this moment, because there is a rather lengthy colloquy in the Record of the transcript of the meeting of October 1, 1975, which was an open session of the committee, and which, I think, will demonstrate that the members knew that the agreement was setting a precedent, at least insofar as our committee is concerned. The suggestion of the gentleman from Wisconsin (Mr. ASPIN) that this might set a precedent for other committees is, of course, completely illogical and does not bear on the argument at all. No one was suggesting that the procedure we agreed to would establish any precedent insofar as information received in a different manner is concerned, nor did we ever suggest it would establish a precedent insofar as any other committee in Congress is concerned.

But it was clear in the colloquy among the gentleman from Wisconsin (Mr. ASPIN) and the chairman of the committee and others that insofar as our committee was concerned, this was a precedent, although I do admit that I have not been able to find anything in the record at which the particular point was raised concerning the final report.

Again, Mr. Speaker, I want to remind the Members that in the final words of the agreement reference is made to the question of judicial determination. It is clear that after going through the procedure of referring the classified material that we wished to have released to the executive branch, and after receiving the response of the executive department, if we still wanted to release it, the matter had to go to the President. He would make a decision, and then we could resort to judicial determination. I am sure that every one of us, as we thought about and talked about judicial determination, felt that was not a very helpful part of the agreement insofar as our being able to get the information out, because judicial determination would come after the expiration of the committee, which was mandated to expire on Saturday of this week, January 31, 1976.

But, we would have had no purpose whatsoever of putting that in the agreement if we knew that we would have the right in the final report to publish it all. There would have been no purpose at all in putting the provision in the agreement about seeking judicial determination.

The gentleman from Wisconsin (Mr. ASPIN) also alluded to the fact that in December we went through this procedure of voting to release certain infor-

mation and to go through the procedure set forth in the agreement. This was done shortly before we went into Christmas recess, with the knowledge that we would not return here until the 19th of January, 12 days before the expiration of this committee.

Why would we go through all of that exercise and take all of that time to go through the procedure set forth in the agreement when, obviously, we would not even be able to act on it until we came back on the 19th of January if we had the right to publish the whole works on January 31?

Mr. Speaker, I think the agreement is clear; and I hope that all Members of this House will take advantage of the remarks that have been made on both sides of this issue when they appear in the Record tomorrow, and I hope that they will come to their own decision as to what should be done.

As far as I am concerned, as a member of this committee, I will do everything in my power to see to it that this committee lives up to its agreement, not for the purpose of keeping information from the American public, not for the purpose of trying to keep it from other Members of this Congress, but for the sole purpose of protecting the integrity of agreements made by a committee of the House of Representatives.

Mr. KASTEN. Mr. Speaker, will the gentleman yield?

Mr. TREEN. I will be glad to yield to the gentleman from Wisconsin (Mr. KASTEN).

Mr. KASTEN. Mr. Speaker, I thank the gentleman for yielding.

I want to commend the gentleman from Louisiana (Mr. TREEN) on his fine statement. However, even more importantly, I want to commend him for the work that he has done as a member of the Select Committee on Intelligence.

The gentleman from Louisiana (Mr. TREEN) has done an outstanding job and has consistently demonstrated his overriding interest with respect to the importance of the intelligence-gathering agencies as well as the national security of our country.

His concern for our Nation has been apparent throughout the deliberations and the committee meetings and also very apparent in his remarks to the House today.

Mr. Speaker, the gentleman should be congratulated for his efforts.

Mr. TREEN. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. KASTEN) very much. I do appreciate the remarks, although I confess that the time necessary for any individual Member to really do this job right or, I should say, the demands on any Member to do the job right are rather overwhelming.

I know that there are many areas in which I have not been able to devote the time that is needed. Part of the problem is inherent. When we have a staff of almost 40 people, many of whom are interviewing, receiving reports, and gathering a great deal of information, a lot of which is not presented to the committee in open session, but which is available to each committee member, it is very difficult to keep up with the tremendous avalanche of material.

Mr. Speaker, although I appreciate the gentleman's statement, I do feel, unhappily, that I have not been able to devote the time that this sort of subject really requires. I think one of the problems is that the life of the committee really was too short, considering that we did not really get started until the latter part of this year because of problems of which we are all aware.

I want to thank the gentleman from Wisconsin (Mr. KASTEN) for the extra special efforts that he has made to get information. He has been one of the members of the committee who has gone beyond that which has been furnished us and gone out on his own to seek additional information from other sources. That is something that I have not been able frequently to do, but I commend him for his effort and for very forcibly calling to the attention of the committee the concerns of the executive branch with respect to a lot of material that will apparently be released in our final report unless, in some way, that report is not published.

Mr. JOHNSON of Colorado. Mr. Speaker, will the gentleman yield?

Mr. TREEN. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. Mr. Speaker, I thank the gentleman for yielding.

I have listened to the full debate today, such as it was.

I wonder whether the gentleman would, just for the record, agree with me that the report does not reveal sources or means or methods of intelligence gathering.

Mr. TREEN. No, I am afraid that I cannot. I think some effort has been made to do this—and now we are getting into the substance of the report. However, I think that in several instances the method, let us say the gross method, by which the intelligence is gathered has been identified in such a way that there has been some disclosure.

I believe the gentleman from Colorado may be referring to the identity of a particular individual, or the location of a particular item of equipment by which we obtain information. Yes, I do not think the report reveals the specifics with respect to the identity of persons or exact locations. But I think the means by which we acquired certain information in the gross sense is shown. But I do not think that is one of the major problems with the report. That is not one of my major complaints.

Mr. JOHNSON of Colorado. I understand the argument presented by the gentleman from Louisiana, and, while I do not agree with that argument, I think it is a valid argument. But there have been so many remarks made today with respect for instance to damage to the national security of our country that I would ask does the gentleman from Louisiana really believe that the report will actually damage the national security? Or does the gentleman believe that the national security of America is in jeopardy as a result of the release of the report?

The gentleman from Louisiana has read the report. The gentleman has studied the report very carefully. Is there

anything in there that the gentleman is convinced is going to damage the national security? Since it is going to be released anyway, perhaps the gentleman can identify the portions which he thinks are so damaging to the national security.

Mr. TREEN. Yes, I think it is difficult often to be able to pinpoint where the damage would occur or to know whether it is going to be short-range damage or long-range damage. And in that respect one might even make a claim that some short-range damage might do us some long-range good.

But that was not my primary purpose in asking for time today. My primary purpose was to talk about the agreement for handling security information.

Mr. JOHNSON of Colorado. The gentleman from Louisiana made his position very clear, but, in view of the participation in the debate of some of the Members who have now gone, even some who have agreed with the opinion of the gentleman from Illinois (Mr. McCLOY), I still think it must be straightened out that to a certain extent the gentleman from Louisiana is not in necessary agreement with all of the arguments that were made by those people who were opposed to the investigation originally.

Mr. TREEN. Yes; I think you are right that I do not agree entirely with them. Let me try to answer the gentleman in this way: Along with other members of the Select Committee, I received a draft of the report on Monday afternoon, a report of 339 pages. We had a session that night at which the President addressed the Congress. I think that the first time that most of us could even direct our attention to this report was Tuesday morning. We received, I believe on Wednesday, a rather voluminous response from some of the executive agencies as to what they considered might be damaging in the report. For me, to have digested all of that material and participated in a responsive way in the approval of a final report by Friday of last week was just preposterous. It was impossible, in my view, to properly consider in a period of 3 days the security aspects of that entire report, much of which was drawn from material that most of the members of the committee had never seen before, which had simply been deposited in the files.

Mr. JOHNSON of Colorado. I think it was available, and I read all of the material named, and I would also state to the gentleman that we did discuss the administration's objections and language, word by word, at the insistence of the gentleman from Wisconsin, and solved most of those problems, and I believe the gentleman from Louisiana was present, I think, when we were doing part of that work.

Mr. TREEN. I might say to the gentleman from Colorado that I acknowledge the astuteness of the gentleman, and say that sincerely; I also acknowledge the great work and effort the gentleman has put in on this matter. But the gentleman asked me a question a moment ago, and I would say that I think the average member of the committee, and, of course, I can only speak

for myself, could not possibly evaluate in the context of our national security the hundreds of items set forth in that report. I am not clairvoyant enough or wise enough to simply make a decision on a security problem, posed in written form, with perhaps as much as 30 seconds or 5 minutes of debate on a particular issue, and decide whether the disclosure will or will not hurt the country. No, I do not consider myself wise enough. I think that is one of the problems. I think our committee needed a great deal more time to consider the objections of the executive branch, and I think for us to rush through them simply in order to meet the deadline set forth in House Resolution 591 is not warranted and is unwise.

Mr. JOHNSON of Colorado. Mr. Speaker, will the gentleman yield further?

Mr. TREEN. I will be glad to yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. I thank the gentleman for yielding.

I think that the record should be made clear that the gentleman from Wisconsin went over with the committee and with the staff every objection that was raised. The gentleman is here, and he can correct that statement if he chooses to. But we spent 2 days, I believe, as I recall, going over page after page of the objections, and most of them were corrected or accepted by both sides.

Mr. TREEN. Let me just say that Mr. KASTEN was recognized, and perhaps generously, by the committee for about an hour and a half, and depended upon the staff to relate in large measure what the objection of the agency was. Then action was taken. I think the gentleman was under great constraint to get through the entire mass and did a selective job and did a great job. I certainly would not consider it the kind of in-depth examination of the complaints the committee should have undertaken.

Mr. KASTEN. Mr. Speaker, will the gentleman yield?

Mr. TREEN. I yield to the gentleman from Wisconsin.

Mr. KASTEN. I thank the gentleman for yielding.

I would briefly like to comment on the points raised by the gentleman from Colorado. It is a fact that within the difficult restraints of time the committee did review a number—I would say almost all—of the security questions which had been raised by the CIA and the other executive agencies. However, it is not correct to say that we solved those problems, because in many cases after the point was raised and the security violations were presented to the committee, the committee on either a roll-call or a voice vote decided not to abide by the security classifications of the administration but instead decided to override them. So, although we considered a number of these questions, and we were afforded a substantial period of time in which to consider the security problems, I do not feel that they were taken care of or solved in any way which would be satisfactory to this member of the committee or to the administration.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

January 26, 1976

Mr. TREEN. I yield to the gentleman from North Carolina.

Mr. MARTIN. I thank the gentleman for yielding.

Let me take up one point that was made earlier. It was suggested that some Member or some staff person employed by the Select Committee may have released the document, the report of the committee. Then the countersuggestion was made that there may also have been someone in the administration with a purpose to be served in releasing that committee report. It would seem to me and I would ask the gentleman from Louisiana whether he will agree with this, that if it had been the purpose of the administration or the executive branch to release this report in order to harm the Select Committee on Intelligence, would he not have expected that there would be some criticism implied or explicit in the articles of the New York Times this morning? Would there not have been some reference to the fact that the committee had agreed not to release those secrets that had been disclosed to the committee? Certainly, if the executive branch had wished to embarrass the committee, there should be some such criticism—but there is none in any of those articles.

Mr. TREEN. I appreciate the thrust of the gentleman's remarks. I am unable to define the motives of the New York Times nor of the author of the news account. I, very frankly, feel it to be reprehensible for any news media to obtain information that it knows was not in releasable form. I know that I might get in trouble with the Fourth Estate for that remark, but I make it without reservation. The New York Times acknowledges that the report was not releasable, and yet it proceeds, ostensibly, to report at great length from the committee report.

We have seen news releases beginning immediately after the draft report became available to the committee members. There is no definite way to determine the source of the leaks; except that considering the time of the delivery of the material to the members and the time of delivery of the copy that went to the executive, in my judgment it would be very difficult for the first leak to come from the executive branch. However, I do not say that it is impossible.

Mr. MARTIN. Mr. Speaker, there are a number of instances in the articles that were printed in the paper this morning where the CIA itself was criticized, members of the administration were criticized and former members of the administration criticized; moreover various private executives, and heads of other national governments were criticized. Many various persons were criticized for the ways in which they had been involved in the Central Intelligence Agency, yet there is no explicit criticism of the select committee, nor any point made about the agreement not to release the information that the committee had. That would seem strange if indeed the administration had released the report.

Mr. TREEN. Yes.

Mr. MARTIN. The article does make

a point that the report was not yet publicly disclosed, but the reporter had obtained a copy of it. It was not pointed out that it was a violation of the committee's agreement that they even published this report.

It seems to me if it had been the purpose of the administration to release this report in this morning's paper in order to harm the Select Committee on Intelligence, that the agent or the person who released that copy to the New York Times would have made a strong point to the effect that it had been obtained under an agreement that it not be disclosed.

I would say further that if the administration had felt that the report would harm the committee, all they had to do was just wait on the course of nature for the report later to be released after the end of this month.

Mr. TREEN. I think that final point is very well made. As a matter of fact, it would seem from the administration's point of view that it would be more dramatic to have it all released at one time, rather than in piecemeal fashion; so I suggest that logic does not argue for the conclusion that the material appearing in the New York Times today results from a release by the executive branch.

I believe that article, and one or more that appeared this week, refers to committee sources. That could mean committee staff or committee individuals and, of course, we cannot necessarily rely upon that, that the newspaper is correct in making its attribution; but at least within the text of some of these reports there is a suggestion as to the source of the information.

I regret very sincerely that the committee itself did not undertake measures to try to make an investigation of leaks. I am sure the chairman of this committee will respond to this if he wishes to tomorrow or in the coming days, but I raised the issue a number of times in the committee that perhaps we should seek some way to conduct this investigation. I realize there are no set proceedings by which we investigate ourselves; nevertheless, I thought it was an issue that really needed some in-depth examination by the committee itself.

(Mr. TREEN asked and was given permission to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, my colleague, the gentleman from Illinois (Mr. McClellan) has brought to our attention today a very serious matter. It involves the integrity of the House and the veracity of one of its instrumentalities. Beyond that, it involves the security of the United States.

It is a source of dismay to me that Member of the House and Senate has the attitude that anything goes, if it will create a headline or two. All of this is justified as a new spirit of truth in government. But in areas involving national security, we can easily go beyond the need of proper information, and into the realm of undermining our intelligence operations.

I do not believe that being honest with the American people mandates that Con-

gress establish the "Right to Blab." Each Member of the House, the Senate, has the obligation to protect the interests of the United States from aggression and subversion. This involves judgment, which I regret to state, has been sadly lacking in some of the actions taken by the Select Committee majority. Heedless disclosure of vital security information is not a public service, it is a thoughtless erosion of the honor of this Congress, a failure to fulfill the moral obligations of the office, and is of inestimable value to those who wish the United States harm.

It is ironic that Congress continues to demand more and more information, while proving to have the porosity of a sieve. We cannot expect executive agencies charged with our national security, to confide in a Congress that is a direct conduit to the public press, and rushes to the media to divulge every particle of information it receives.

President Ford has rightfully resisted this rush to indiscriminate revelation. As a Member of this body for 25 years he knows that Congress is, and should be, privy to information that it should not leak for general distribution. Security, of necessity, involves activities that can only be performed in anonymity. Congress can know about these actions, but should not regard receipt of such information as an invitation to play "show and tell" with the media.

We live in a perilous world. Aggression and subversion are a constant threat. Congress has a delicate job to do in playing square with the American people, while remaining mindful of the necessities of security and intelligence operations. Exposure of abuses has its place. Mindless information peddling and headline hunting are to be abjured.

I believe our colleague Mr. McClellan has brought up some points we all should give most serious thought. This particular conflict between Congress and the Executive is not a fitting area for stubborn insistence on the right of way. It is not a fitting area to contest competing jurisdiction. It is an area of great import to the Nation's future. Irreparable damage already has been done. CIA agents have been jeopardized, and our surveillance system riddled by unwise disclosures. Let us not compound this folly by insisting on issuance of a report that goes far beyond the need for candor, and ventures into the field of undercutting our national security. We owe the American people more responsibility than that. I am hopeful that we can recognize the difference between rightful public information and heedless dissemination of vital American security secrets.

GENERAL LEAVE

Mr. TREEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

The SPEAKER pro tempore (Mr. NEFTZI). Is there objection to the request of the gentleman from Louisiana?

There was no objection.